

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

LEXINGTON INSURANCE CO.,  
Plaintiff,

v.

SANDRA SWANSON,  
Defendant.

No. C05-1614MJP

ORDER GRANTING ATTORNEYS'  
FEES AND COSTS

This matter comes before the Court on Defendant Swanson's motion for attorneys' fees and costs. (Dkt. No. 205.) Plaintiff Lexington opposes the request. (Dkt. No. 224.) Having considered the parties' papers, the Court GRANTS \$4,200 in attorneys' fees and \$207.50 for costs related to the deposition of Sharon Sobers.

On June 6, 2007, the Court awarded Defendant Swanson attorneys' fees and costs in conjunction with her motion to compel production of Lexington's Defense Counsel Guidelines. (Dkt. No. 188.) The Court directed Ms. Swanson to file a motion documenting the attorney time and other costs incurred in bringing the motion. Ms. Swanson now requests that the Court award \$6,560.90 in fees and costs. Ms. Swanson's attorney, David Beninger, states in a declaration that his rate is \$400/hr, that he spent 10.5 hours on the motion to compel, and that the cost of the deposition of Sharon Sobers was \$2,360.90. Lexington takes issue with Mr. Beninger's hourly rate and the amount of time spent on the motion. Lexington also argues that Ms. Swanson should not be able to recover the full cost of the Sobers deposition because that deposition was taken for the purposes of discovery, not for the purpose of developing evidence to support the motion to compel. Lexington

1 argues that the cost of the excerpted pages related to the Defense Counsel Guidelines issue was only  
2 \$207.50.

3 The Court concludes that Mr. Beninger's \$400 per hour rate and the 10.5 hours spent on the  
4 motion to compel are reasonable. Thus, the Court awards \$4,200 in attorneys' fees. But the Court  
5 agrees with Lexington that Defendant should not recover the cost of the entire Sobers deposition.  
6 Therefore, the Court awards only \$207.50 in costs.

7 Lexington must pay Ms. Swanson \$4,407.50 within ten (10) days of this order.

8 The Clerk is directed to send copies of this order to all counsel of record.

9 Dated: July 16<sup>th</sup>, 2007.

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11 Marsha J. Pechman  
12 United States District Judge  
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